

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO
EASTERN DIVISION**

UNITED STATES OF AMERICA,)	CASE NO. 1:03CR486
)	
Plaintiff,)	JUDGE PETER C. ECONOMUS
)	
v.)	
)	
FRED CLOUD,)	ORDER
)	
Defendant.)	
)	

The instant matter is before the Court upon Defendant Fred Cloud's ("Defendant") Motion for Credit for Time Served. (Dkt. # 637).

To the extent that Defendant asks the Court to calculate the proper end date for his federal sentence, the Motion is **DENIED in PART**, as such calculations are more properly left to the Federal Bureau of Prisons. (Dkt. # 637); see 18 U.S.C. § 3624.

To the extent that Defendant requests that the record be amended to reflect that, at the time of sentencing, the Court ordered that his federal sentence of 360 months in the instant matter would run concurrently with the state sentence he was already serving, the Motion is **GRANTED in PART**. (Dkt. # 637). Based upon the documents attached to the Motion, it appears that Defendant submitted a similar request to the Federal Bureau of Prisons. (Dkt. # 637-1 at 2). The written response he received noted that the Judgment and Commitment issued by this Court did not indicate the running of the sentences concurrently and, therefore, the completion date

of his federal sentence was calculated based upon consecutive sentences. (Dkt. # 637-1 at 2). As the transcript of the sentencing hearing indicates, the Court clearly intended that Defendant's federal sentence would run concurrently with the state sentence he was serving at the time of sentencing in the instant matter. (Dkt. # 481 at 23).

Therefore, the Court orders that the Judgment and Commitment Order of Defendant Fred Cloud in the instant matter is hereby amended to indicate that the federal sentence shall commence on the date of imposition. (Dkt. # 446). Accordingly, the federal sentence began to run on March 2, 2005, concurrently with Defendant's state sentence. The Bureau of Prisons should recalculate Defendant's proper release date based upon this Order.

Accordingly, Defendant's Motion for Credit for Time Served is hereby **GRANTED in PART** and **DENIED in PART**, consistent with the foregoing. (Dkt. # 637).

IT IS SO ORDERED.

/s/ Peter C. Economus – August 31, 2010
PETER C. ECONOMUS
UNITED STATES DISTRICT JUDGE